REMARKS

Claims 1-19 are pending in the present application. Claims 3-5, 7-8, 12, 14-15, and 17-18 were amended to remove the multiple dependencies. Additionally, dependent claim 2 was amended to include further clarification of the claimed invention. Reconsideration of the claims is respectfully requested in light of the arguments presented below.

I. Claim Objections

The claims have been objected to because of the presence of multiple dependent claims. This rejection is respectfully traversed. However, the claims containing multiple dependencies have been amended to reduce each dependency to a single claim and the objection is now believed to be overcome.

II. 35 U.S.C. § 102, Anticipation

All claims have been rejected under 35 U.S.C. § 102 as being anticipated by Mastronardi (U.S. Patent 6,578, 051). This rejection is respectfully traversed.

Representative claim 1 recites,

> 1. (Original) A music distribution method for downloading, in response to a request from a user, music data for one or more musical pieces included in the latest hit charts from a server storing a lot of music data, comprising the steps of:
>
> determining whether music data to be downloaded from said server are already stored in a terminal of said user; and
>
> downloading, from said server to said terminal, only music data that are not stored in said terminal.

Regarding this claim, the rejection states,

> Mastronardi discloses a music distribution method for downloading, in response to a request from a user, music data for one more musical pieces (i.e.: songs) included in the latest hit charts (i.e.: an album) from a server storing lot of music data, comprising the steps of:
>
> determining whether music data to be downloaded from said server are already stored in a terminal said user [Mastronardi, determine if the information in database needs to be updated, col 7 line 42-col 8 line 30; col 24 lines 22-37];
>
> and downloading, from said server to said terminal, only music data that are not stored in said terminal [Mastronardi, downloaded any

new songs, col 8 lines 30-46; col 11 lines 1-31; col 21 line 60-col 22 line 14].[1]

Several problems are seen with this rejection, specifically, (a) Mastronardi does not determine if music to be downloaded is the same as music already stored on a terminal and (b) Mastronardi is not shown downloading new songs to the terminals. These distinctions will be discussed separately.

Mastronardi does not determine if music to be downloaded is already stored

The sections of Mastronardi cited against the determining step of claim 1 read,

> The first set of arrays (1101, FIGS. 2 and 3A and 3E) is also related to a third set of arrays (1103, JUKE_XXX, IB_XXX, FIGS. 3A and 3C) representing information about the setting of an audiovisual information reproduction device (100.1 to 100.n, FIG. 1). A first group of arrays in the third set of arrays (1103, IB_XXX, FIGS. 3A and 3C) contains all operating parameters for the audiovisual information reproduction systems (100.1 to 100.n, FIG. 1) and a second group of arrays in the third set of arrays (1103, JUK_XXX, FIGS. 3A and 3C) associates each jukebox with a given set of parameters contained in a group of arrays in the third set of arrays (1103, IB_XXX, FIGS. 3A and 3C). Operating parameters include parameters controlling the volume of the amplifier defined for a jukebox in the tables (JUK_MIXAGE, FIG. 3A), or the parameters defined for the same jukebox in the I-button tables (IB_MIXAGE, FIG. 3A) table, or parameters about the price to be paid (IB and JUK_TUNE_COST) to select at least one song, or telecommunication link parameters (JUK_ISP) with the server (10, FIG. 1), or operating parameters for a remote control if any for an audiovisual information reproduction device (100.1 to 100.n, FIG. 1). These parameters are defined for a jukebox in the (JUK_REMOTE_CONTROL, FIG. 3C) table and all remote control operating parameters for all jukeboxes are defined in the (IB_REMOTE_CONTROL, FIG. 3C) table, an audiovisual information reproduction device (100.1 to 100.n, FIG. 1) being associated each time with a table (JUK_TUNE_COST, IB_TUNE COST, JUK_REMOTE_CONTROL, IB_REMOTE_CONTROL, FIG. 3C) in the third set of arrays (1103, FIGS. 3A and 3C). Each row in a table stores operating parameters for an audiovisual information reproduction device (100.1 to 100.n, FIG. 1) with a given number (JUK_ID, FIGS. 3A and 3C). The link between the first and third sets of arrays (1103, FIGS. 3A and 3C) may be made for example using the identification number of an audiovisual information reproduction device (100.1 to 100.n, FIG. 1). Thus, the server 10 can find all operating parameters of an audiovisual information reproduction device (100.1 to 100.n, FIG. 1)

[1] Office action of 11/22/2004, item 4, pages 2-3

with a given number by using this link, by searching in each third set of arrays (1103, FIGS. 3A and 3C) for tables containing the number (JUK_ID, FIGS. 3A and 3C) of the determined audiovisual information reproduction device (100.1 to 100.n, FIG. 1), then searching in the rows of these tables for the set of parameters corresponding to the found reference. Similarly, the server can update the information contained in the third set of arrays (1103, FIGS. 3A and 3C) when a message is received from a jukebox. This is done by the server processing the received message immediately that a jukebox enters into communication with the server, in order to determine if the information contained in the database needs to be updated. If the message contains information about modifications to physical parameters, the server adds a new table or replaces the value supplied by the modifications in the row of the table concerned in the third set of arrays (1103, FIGS. 3A and 3C).[2]

1. A management device for a network of jukeboxes, comprising a database with a plurality of sets of arrays, each array containing grouped information on the composition of a jukebox, use of the jukebox or payment of fees on the jukebox, the database being managed by a server operable to communicate with the jukeboxes, wherein the server receives messages sent by the jukeboxes containing information necessary to update determined sets of arrays in the database, and to send messages to the jukeboxes in order to update data or programs on each jukebox with information stored in at least one set of arrays in the database and transmitted to the jukebox in the message, wherein a first set of arrays in the database includes information about the operating status of each jukebox, and a second set of arrays in the database includes information about the hardware and software composition of each jukebox.[3]

It is submitted that these excerpts do not show the claimed determining step and do not appear to disclose looking either at music that will be downloaded or at determining if this music is already on the jukebox. The excerpt mentions determining if information in the database needs to be updated, but it appears to be updating the many arrays of information it keeps about the jukebox and music, rather than preparing to actually update the music. It is submitted that the section cited against the downloading step comes closer to the claimed determining step, although it still does not perform the same determination. Rather, this section (i.e., the first paragraph quoted below) is comparing a list of songs currently on the jukebox with a list of songs previously on the

[2] Mastronardi, col 7 line 41-col 8 line 39
[3] Mastronardi, col 24 lines 22-37

same jukebox. It is submitted that this is not the same as comparing a list of songs currently on the jukebox with songs to be downloaded. To state this slightly differently, the prior art compares the current state (of songs contained on the jukebox) to a past state, while the claimed invention compares the current state to a desired, future state.

While it is understood that the patent office gives the broadest possible interpretation to the claims, it is submitted that the words must not be interpreted so broadly that they lose their meaning. It is submitted that Mastronardi is not "determining whether music data to be downloaded from said server are already stored in a terminal of said user", as recited in the claims.

Mastronardi does not show downloading any new songs to the terminals

The portion of Mastronardi relied on reads,

> The first set of arrays (1101, FIGS. 2, 3a and 3E) is also related to at least a fourth set of arrays (1104, SONG, FIGS. 2 and 3A) representing information about songs downloaded on the audiovisual information reproduction systems (100.1 to 100.n, FIG. 1). Each song is identified by a unique number (CLT_ID, FIGS. 2 and 3A) Each row in a table in the fourth set of arrays (1104, FIGS. 2 and 3A) represents a song stored on the audiovisual information reproduction device (100.1 to 100.n, FIG. 1) identified by its identifier at the beginning of the table. The jukebox periodically (for example daily) sends a message to the server. This message contains the list of all songs installed on the jukebox. Thus, the server compares the list that it receives from the previous list that it had received from the same jukebox and checks if there are any new songs. If there are, the server adds a table corresponding to the addition of one or more new songs in the list of songs available on the jukebox.[4]
>
> The first set of arrays (1101, FIGS. 2 and 3A and 3E) is also related to at least one tenth set of arrays (1110, INSTRUCTION FIG. 3F) representing information about instructions that will be sent to at least one determined audiovisual information reproduction device (100.1 to 100.n, FIG. 1). At least one group of tables in the tenth set of arrays (1110, INSTRUCTION_DEF, FIG. 3F) contains a description of the instructions (INS_DESC, FIG. 3F). Similarly, the relation between the first set of arrays (1101, FIGS. 2, 3A and 3F) and the tenth set of arrays (1110, FIG. 3F) is made using the identification number (JUK.ID) of the audiovisual information reproduction device (100.1 to 100.n, FIG. 1). Thus, all instructions intended for a determined audiovisual information reproduction device (100.1 to 100.n, FIG. 1) can be collected by the server, and downloaded on the identified jukebox,

[4] Mastronardi, col 8, lines 30-46

when it sets up communication with the server. For example, these instructions may be an update to at least one software (INS_SOFTWARE, FIG. 3F) installed on the audiovisual information reproduction device (100.1 to 100.n, FIG. 1), downloading of new songs (INS_CATALOGUE, INS_ALBUM, FIG. 3F) ordered by the operator of the audiovisual information reproduction device (100.1 to 100.n, FIG. 1), or a modification of the operating parameters (INS_IBUTTON) of the audiovisual information reproduction device (100.1 to 100.n, FIG. 1). The group of tables (1110, INSTRUCTION, FIG. 3F) containing the jukebox identification (JUK-ID) and an identification of the instructions (INS_ID) to be transmitted to this jukebox is systematically read by the server 10 when an audiovisual information reproduction device (100.1 to 100.n, FIG. 1) sets up a communication with the server 10 in order to verify whether or not the instructions stored in the tenth set of arrays (1110, FIG. 3F) are to be used by the audiovisual information reproduction device (100.1 to 100.n, FIG. 1) that has just set up a communication with the server 10. The link between the different groups of tables in the tenth set of arrays is made using an instruction identification number (INS_ID). The set of instructions contained in the tenth set of arrays (1110, FIG. 3F) can be prepared and stored in the database before the date on which these instructions are to be applied in practice on the jukebox. These instructions are not actually sent to the jukebox until the required date of application when the jukebox sets up communication with the server 10.[5]

A fifth screen 240 is used to update the songs bank contained in the database. This screen 240 is used in particular to add albums or to modify data in the songs bank, particularly when distribution rights are obtained and/or when songs are processed to be downloaded on jukeboxes. Therefore, this fifth screen 240 comprises essentially the input areas 241.1 to 241.4 used to indicate all information about albums. Each input area 241 corresponds to an argument in the ALBUM array, FIG. 3A in the database. A first area 241.1 contains the album identifier. A second area 241.2 contains the album name. A third area 241.3 contains the name of the artist starring in the album. A fourth area 241.4 contains the name of the disk publisher. The fifth screen 240 also comprises a combolist 243 that displays the list of songs on the album identified by its identifier. Thus, validating the input by selection of a first selection area 242 makes the server update the ALBUM array, FIG. 3A, either to modify the corresponding arguments if the input consists of a modification to an existing album, or to add a table in the tables group when the input corresponds to adding a new album into the songs bank.[6]

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[5] Mastronardi, col 10 line 57-col 11 line 31
[6] Mastronardi, col 21, line 60- col 22, line 13

It is submitted that the last paragraph above, which appears to be the most relevant, is not directed to actually downloading songs to a jukebox, but to collecting information about any albums or songs that are added. This is very different Possession of information about bald eagles, for example, does not mean that one posseses a bald eagle. The same distinction applies to the art relied on; collecting information about albums that will be played on various jukeboxes is not the same as downloading the albums to those same jukeboxes. Mastronardi discloses the collection of large amounts of information about the jukeboxes: their parameters, the actions performed on them, albums available on the jukeboxes, songs and artists on each album in the jukeboxes, etc. However, it is submitted that it does not show actually downloading songs to the jukeboxes.

Thus, applicants have shown two claim limitations that are not met by the prior art relied on. It is submitted that this rejection has been overcome.

Additional Distinctions in Dependent Claim

Additionally, amended claim 2 states,

> 2. (Amended) The music distribution method according to claim 1, comprising the additional steps, performed prior to said determining step, of accessing a list of musical pieces included in a latest hits chart and indicating songs which are ranked at the first to predetermined places on said latest hit charts as said music data to be downloaded.

This claim makes it clear that the determining step is comparing the current play list of a jukebox with a list of top hits. It is submitted that Mastronardi does not show accessing a list of songs on the latest hits chart. Mastronardi is mainly concerned with showing the types of information that can be collected and stored for each machine, rather than disclosing the use of a top hits list used to create a play list for a terminal. This claim thus provides a further distinction over the prior art.

Therefore, the rejection of claims 1-19 under 35 U.S.C. § 102 has been overcome.

Furthermore, Mastronardi does not teach, suggest, or give any incentive to make the needed changes to reach the presently claimed invention. Absent some teaching, suggestion, or incentive to modify Mastronardi in this manner, the presently claimed invention can be reached only through an improper use of hindsight using the applicants' disclosure as a template to make the necessary changes to reach the claimed invention.

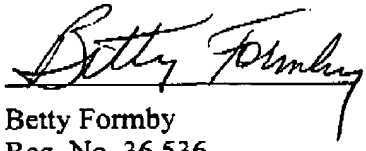
III. Conclusion

It is respectfully urged that the subject application is patentable over Mastronardi and is now in condition for allowance.

The examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: February 22, 2005

Respectfully submitted,



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